

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**JOSE ALBERTO HERNANDEZ-ORTIZ ,**

**Defendant.**

**CASE NO. 8:15CR321**

## TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report and Addendum (“PSR”), and the government’s objection to the guideline level calculated by the drug quantity amount (Filing No. 120). Defense counsel expressed the same objection as the government in addition to other objections, which are noted in the Addendum to the PSR, but no objections were filed by defense counsel on ECF pursuant to the Order on Sentencing Schedule, ¶ 6 (Filing No. 107). The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The government's Objection to Presentence Investigation Report and Plaintiff's Statement (Filing No. 120) will be heard at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 24<sup>th</sup> day of August, 2016.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge